

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
RAMON APONTE,

Movant,

- against -

UNITED STATES OF AMERICA,

Respondent.

-----X  
**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

**O R D E R**

16 Civ. 3511 (NRB)  
02 Cr. 1082-4(NRB)

**WHEREAS** on July 27, 2020 this Court ordered that each party file a letter identifying either controlling authority that the party believes is now dispositive of the precise legal issue(s) raised by Mr. Aponte's pending petition or pending cases that may be resolved in a manner that would yield such authority, see ECF No. 12<sup>1</sup>; and

**WHEREAS** the parties subsequently filed letters reflecting that the parties are in agreement that the sole outstanding issue is whether attempted Hobbs Act robbery is a "crime of violence" and may serve as a predicate for 18 U.S.C. § 924(c), see ECF Nos. 14, 15; and

**WHEREAS** the parties further agree that whether attempted Hobbs Act robbery is a "crime of violence" under 18 U.S.C. § 924(c) is raised in a number of cases currently pending in the

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<sup>1</sup> As used herein, "ECF No." refers to an entry on the civil docket (16 Civ. 3511).

Second Circuit, see ECF Nos. 14, 15; and

**WHEREAS** the defendant has requested that this Court defer ruling on Mr. Aponte's petition until after the Second Circuit has resolved that issue, see ECF No. 15; and

**WHEREAS** the Government does not object to that request, see ECF No. 14; it is hereby

**ORDERED** that the request for this Court to defer ruling on Mr. Aponte's petition is GRANTED; and it is further

**ORDERED** that the parties are directed to file, within one week of any Second Circuit ruling on the sole dispositive issue, a letter setting forth the outcome of that ruling and its impact on Mr. Aponte's pending petition.

**SO ORDERED.**

Dated: New York, New York  
August 26, 2020

A handwritten signature in blue ink, reading "Naomi Reice Buchwald", is written over a horizontal line.

NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

A copy of the foregoing has been mailed to:

Ramon Aponte, 52538-054  
USP Coleman I  
U.S. PENITENTIARY  
P.O. BOX 1033  
COLEMAN, FL 33521